IN THE HIGH COURT OF UTTARANCHAL
NAINITAL
WRIT PETITION NO. 893 (MS) OF 2006

Km. Kalawati,
D/o Keshar Singh,
R/o Village Baijwari,
P.O. Jakhi Dagar,
District – Tehri Garhwal.
At Present R/o Khakra, District Rudraprag.

.....Petitioner.

Versus

1. Vijendra Singh, S/o Chandra Singh, R/o Gwar Jakhi, P.O. Jakhi, P.S. and Pargana Kirtinagar, District-Tehri Garhwal.
2. Branch Manager United India Insurance Company Kailash Gate Muni Ki Reti Rishikesh through Divisional Manager Ranipur Moad, Haridwar.
3. Motor Accident Claims Tribunal/District Judge, Tehri Garhwal. .....Respondents.

Dated: 13.07.2006

Hon'ble Rajesh Tandon, J.

Heard Mr. H.M. Bhatia holding the brief of Mr. M.C. Pant, Advocate for the petitioner and Standing Counsel for the respondent no. 3. Both the parties have agreed that let the matter be finally disposed of at the admission stage.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing the part of the order to deposit Rs. 2,00,000/- in a nationalized bank for a period of three years.

The grievance of the petitioner is that by virtue of the award dated 12th August, 2005 passed by the respondent no. 3 although a sum of Rs. 2,20,000/-has been awarded, but a sum of Rs. 2,00,000/- has been kept in the fixed deposit resulting irreparable injury to the petitioner due to 70% disability caused to the petitioner as will appear from the findings recorded by the Motor Accidents Claims Tribunal.

In case the petitioner files an application before the Motor Accident Claims Tribunal, 50% amount may be released in favour of the claimant and rest 50% amount may be released after one year to the satisfaction of the Motor Accident Claims Tribunal, Tehri Garhwal.

Further grievance of the petitioner is that she is aged about 21 years, on getting the satisfaction that she has become major, the release of the amount may be considered in her favour.

However, liberty is given to the petitioner to approach the Presiding Officer by stating the aforesaid facts.

Subject to the aforesaid, writ petition is disposed of.

(Rajesh Tandon, J.)

13.07.2006
Rathour